IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 792 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE KSHITIJ R.VYAS
and
HON'BLE MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

PARBAT POLA KOLI

Appearance:

1. Criminal Appeal No. 792 of 1997
MR KC SHAH, APP for Appellant
UNSERVED-EXPIRED (N) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE KSHITIJ R.VYAS
and
HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 16/08/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE AKSHAY H.MEHTA)

Mr.K.C.Shah, learned APP appearing for the appellant State of Gujarat states that the respondent of the present appeal has expired and hence the present appeal abates qua the dead respondent. In support of his submission, he drew our attention to the note addressed to the learned Sessions Judge, at Jamnagar, by the Police Sub Inspector, Jam Jophpur Police Station, Jamnagar dated 27.5.1998 wherein it has been stated that Parbat Pola Kali, resident of village Mahiki, has been murdered on 11th March 1998 and the offence in respect of the said incident has been registered at Mayavadar Police Station. He has further stated that the death has not been registered in the official register for noting down the birth and death. This fact, i.e. the death of deceased Parbat Pola Kali is not registered in the said register is confirmed by the Sub-Registrar, village Mahiki, by his certificate dated 23.6.1998. In view of the aforesaid facts, this appeal does not survive against the dead respondent and it abates, in accordance with the provisions of Section 394 of Cr.P.C.

(Kshitij R.Vyas, J.)

(Akshay H.Mehta, J.)

Sreeram.